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EXAMINER

RYAN, PATRICK A

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,904	Applicant(s) KARAOGUZ ET AL.	
	Examiner PATRICK A. RYAN	Art Unit 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is made in response to Response Under 37 CFR 1.111 ("Reply") filed January 2, 2009. Applicant has made no claim alterations. As currently pending, Claims 1 through 31 are presented for examination.
2. In Office Action of September 30, 2008 ("Office Action"):

Claim 1 through 31 were rejected under 35 U.S.C. 102(e) as being anticipated by Novak, (US Patent Application Publication 2002/0104099).

Response to Arguments

3. Applicant's arguments, see Reply Pages 12-19, with respect to the rejection(s) of independent Claims 1, 11, and 21 under 35 U.S.C. 102(e) as being anticipated by Novak, (US Patent Application Publication 2002/0104099) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Cooper et al, United States Patent (6,754,904 B1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 through 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak, (US Patent Application Publication 2002/0104099) in view of Cooper et al, United States Patent (6,754,904 B1) hereinafter "Cooper".

6. In reference to Claim 1, Novak teaches a method of customizing a channel interface (shown in Figure 11 as described in Paragraphs [0077-0086]), the method comprising:

determining one or both of personal media and/or broadcast media that is to be presented in a media channel ("broadcast" or "synthetic" channels of Figs. 8 and 9 as described in Paragraph [0071-0075]; with further reference to User Interface 702 of Fig. 7, as described in Paragraphs [0063-0070]);

determining a schedule for presenting one or both of personal media and/or broadcast media in the media channel (creation of synthetic channel at Block 1106 of Figure 11 as described in Paragraph [0078], with further reference to Figs. 6 and 7 as described in Paragraphs [0062-0068]); and

presenting for displaying, at a first geographic location (Upload Source 122, which can be an "individual", an "organization", or a "consumer" and "can comprise or can use a set top box, a PC, or other access device...", as described in Paragraphs [0039,0040,0056]; with further reference to [0041,0046,0055,0056,0068,0070, 0074,0080]),

the schedule comprising the one or both of personal media and/or broadcast media in a media guide (schedule of personal media is presented to user of Upload

Source 122 in Display 710 of Interface 702, as shown in Fig. 7 and described in Paragraphs [0067,0068])

wherein the media channel may be pushed from the first geographic location to a second geographic location (Block 1104 to Block 1112 of Figure 11, as described in Paragraphs [0078-0083], demonstrating the process of providing access to information related to media objects by way of Interface 702; with further reference to Paragraph [0075] and Blocks 1114-1116 of Fig. 11, describing operations of client terminal of end user STB 152 at a [equated to Applicant's "second geographic location"]; with additional reference to Paragraphs [0084-0086]);

wherein the media guide comprises a plurality of channels, (EPG 153 of Fig. 9 displays multiple channels to the end user in the form of Television Channels 902 and synthetic channel Listing 908, as described in Paragraph [0074]. In addition Remote Control Unit 158 is used to tune Television Set 154 to Television Programs 906 and synthetic channel media 910, as described in Paragraphs [0075]).

However, within the disclosure of Novak, it is unclear if one or more of said plurality of channels may be selected and viewed at the first geographic location.

In a similar field of invention, Cooper teaches a method and system for informing a first network user of activity by other network users (Abstract). Cooper further discloses a system consisting of multiple Set-top Boxes (600a and 600b of Fig. 6) that are in communication with each other by way of Server 506 and Internet 508 (as further illustrated in Fig. 5 and described in Col. 3 Line 56—Col. 4 Line 26). Cooper demonstrates in Fig. 6 that each set-top box user on the network is presented with an

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EPG (602a and 602b) containing multiple television channels that the user is able to select and view at each respective location (as described in Col. 4 Line 28—Col. 5 Line 33).

Cooper demonstrates a technique similar to Novak for displaying electronic program guide data to users in different geographic locations, where all users are in communication using a common EPG interface each of which presents selectable and viewable content. Novak discloses a method of providing an end user with an EPG containing personal and broadcast media provided by another source, such as another individual television user on the network. In view of the similar teachings of Cooper, one of ordinary skill in the art at the time of the invention would have recognized it to be obvious that the methods of Novak and Cooper are usable together because of the structural similarities of their respective media exchange networks (as Cooper suggests in Col. 2 Lines 28-34). In addition, one of ordinary skill would have been motivated to use the teachings of Cooper to provide a media guide interface at each set-top box location of Novak in order to provide an two-way interactive communications link between users sharing media content (as Cooper suggests in Col. 2 Lines 45-55).

7. In reference to Claim 2, the combination of Novak and Cooper teaches a method of presenting the media guide comprising representations of one or both of personal media and broadcast media in a graphical user interface (Novak: EPG 802 of Figure 8 as described in Paragraphs [0071 and/or 0072]).

8. In reference to Claim 3, the combination of Novak and Cooper teaches a method wherein the graphical user interface contains one or both of aural and/or visual

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representations comprising one or more of audio, text, video, and/or graphics of one or both of personal media and/or broadcast media (Novak: display screen 1004 of Figure 10 as described in Paragraph [0076], Lines 4-10).

9. In reference to Claim 4, the combination of Novak and Cooper teaches a method of controlling the graphical user interface by one or more of a keyboard, a mouse, a remote control, and/or a microphone (Novak: buttons 172 and 174 of remote control 158 as described in Paragraph [0073], Lines 4-10).

10. In reference to Claims 5 and 9, the combination of Novak and Cooper teaches a method wherein the schedule correlates one or both of personal media and/or broadcast media to one or more of a time, a day, and/or a year (Novak: listings 908 of Figure 9 as described in Paragraph [0074] lines 10-13) for the presentation of the one or more of personal media and/or broadcast media in the media channel.

11. In reference to Claim 6, the combination of Novak and Cooper teaches a method of selecting the one or both of personal media and/or broadcast media (Novak: buttons 172 and 174 of remote control 158 as described in Paragraph [0073], Lines 4-10) from a list of sources (Novak: “underlying component” of EPG 802 as described in Paragraph [0072]).

12. In reference to Claim 7, the combination of Novak and Cooper teaches a method of displaying access and control functions for controlling the one or more of personal media and/or broadcast media from within the media guide (Novak: “automatic features” of interface 702 as described in Paragraph [0066]).

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13. In reference to Claim 8, the combination of Novak and Cooper teaches a method of rescheduling when the one or more of personal media and/or broadcast media is to be presented in the media channel (Novak: “re-sequence” action of interface 702 as described in Paragraph [0065], Lines 6-14).

14. In reference to Claim 10, the combination of Novak and Cooper teaches a method of updating one or more of a time, a day, and/or a year within the media guide (Novak: upload/update button 712 of interface 702 as described in Paragraph [0067]), when the one or both of personal media and/or broadcast media is to be presented in the media channel (Novak: Updating EPG 153, as described in Paragraph [0080]).

15. In reference to Claims 11-20, the combination of Novak and Cooper teaches a machine-readable storage (Novak: described in Paragraph [0077], Lines 4-10) having stored thereon, a computer program having at least one code section for programming media content in a distributed media network (Novak: using “token” program described in Paragraph [0058] Lines 1-10), the at least one code section being executable by a machine (Novak: STB 152 described in Paragraph [0077] Lines 10-14) for causing the machine to perform the method of Claims 1 through 10.

16. In reference to Claim 21-30, the combination of Novak and Cooper teaches a system for customizing a channel interface comprising at least one processor that receives at least one indication of one or both of personal media and/or broadcast media that is to be presented in a media channel (Novak: STB 152 executing the flow

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diagram of Figure 11 as described in Paragraphs [0077-0086]), wherein the system and processor execute the method of Claims 1 through 10.

17. In reference to Claim 31, the combination of Novak and Cooper teaches a processor that is a media processing system processor (Novak: Paragraph [0085] describing the STB 152 executing flow diagram block 1114).

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. RYAN whose telephone number is (571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. A. R./
Examiner, Art Unit 2427
Wednesday, April 01, 2009

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427